

**PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference | FOR FURTHER ACTION | See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416). |
| International Application No. PCT/AU2003/000481 | International Filing Date (day/month/year) 24 April 2003 | Priority Date (day/month/year) 26 April 2002 |
| International Patent Classification (IPC) or national classification and IPC Int. Cl. 7 B28B 21/18, 7/30 | | |
| Applicant VERTECH HUME PTY LTD et al | | |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheet(s).

3. This report contains indications relating to the following items:

- I Basis of the report
- II Priority
- III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV Lack of unity of invention
- V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI Certain documents cited
- VII Certain defects in the international application
- VIII Certain observations on the international application

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| Date of submission of the demand 16 October 2003 | Date of completion of the report 27 July 2004 |
| Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929 | Authorized Officer M. BREMERS Telephone No. (02) 6283 2052 |

I. Basis of the report

1. With regard to the elements of the international application:*

- the international application as originally filed.
- the description, pages , as originally filed,
 pages , filed with the demand,
 pages , received on with the letter of
 the claims, pages , as originally filed,
 pages , as amended (together with any statement) under Article 19,
 pages , filed with the demand,
 pages , received on with the letter of
 the drawings, pages , as originally filed,
 pages , filed with the demand,
 pages , received on with the letter of
 the sequence listing part of the description:
 pages , as originally filed
 pages , filed with the demand
 pages , received on with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

- the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- the language of publication of the international application (under Rule 48.3(b)).
- the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.
- The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

4. The amendments have resulted in the cancellation of:

- the description, pages
- the claims, Nos.
- the drawings, sheets/fig.

5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|------------|-----|
| Novelty (N) | Claims | YES |
| | Claims 1-9 | NO |
| Inventive step (IS) | Claims | YES |
| | Claims 1-9 | NO |
| Industrial applicability (IA) | Claims 1-9 | YES |
| | Claims | NO |

2. Citations and explanations (Rule 70.7)

Citations

Derwent Abstract Accession No. 87-204821/29, class P64
 SU 1276510 A (BOLKVADZE) 15 December 1986
 Abstract (& SU 1276510, Figures)

GB 1545223 A (HANFORD BOOT RESEARCH PTY LTD) 2 May 1979
 Claims

EP 545346 B (TECHNISCHE UNIVERSITAT DRESDEN) 12 June 1996
 Claims and Figure 2

Reasoning

SU 1276510 discloses forming a hollow concrete column wherein surplus water is removed through openings in a mandrel which includes a valve used for controlling the removal of water. Consequently, independent claims 1-3 are not novel. The features defined in claims 4-9 are either disclosed in SU 1276510 or are features that cannot be considered to involve an inventive step.

GB 1545223 discloses a mould liner containing numerous valves that are normally closed. When pressure is applied to a concrete slurry, water is forced out of the container through the valves. Although this document does not disclose the vertical moulding of long articles it is considered that it would not be inventive to apply the disclosed mould liner to forming such articles. Consequently, independent claims 1-3 lack an inventive step. The features defined in claims 4-9 are either disclosed in GB 1545223 or are features that cannot be considered to involve an inventive step.

EP 545346 discloses a filter tube for the removal of excess water from a concrete structure. The filter has perforations in its wall and a control tube fits inside the filter tube. The control tube is inserted fully into the filter tube whilst the concrete is being poured. As the concrete is being compacted the control tube is withdrawn so that excess water flows through the perforations into the filter tube. Although this document does not disclose the vertical moulding of long articles it is considered that it would not be inventive to apply the disclosed filter tube to forming such articles. Consequently, independent claims 1-3 lack an inventive step. The features defined in claims 4-9 are either disclosed in EP 545346 or are features that cannot be considered to involve an inventive step.

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claim 5 is not clear because it defines "a mould liner as claimed in claim 3". However, claim 3 defines a "mould" rather than a "mould liner".